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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,287	12/26/2000	Gene R. Anderson	1613370-0013	5766

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WHITE & CASE LLP
PATENT DEPARTMENT
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

WEBB, BRIAN SCOTT

ART UNIT

PAPER NUMBER

2839

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,287

Applicant(s)

ANDERSON ET AL.

Examiner

Brian S. Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-136 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-136 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Multiplicity

1. Claims 1-136 are rejected on grounds of multiplicity as set forth in the MPEP §2173.05(n). The examiner believes that the invention in the instant application can be fully presented and protected with 40 claims. For purposes of examination in the instant office action, the examiner will provide an action on the merits of claims 1-17 and 103-124, which contain all, or nearly all, of the limitations of the instant application.

Drawings

2. Figures 5a-5c appear to show only what is known and should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: reference 1210. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference 902. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to because the top margin of sheet 15 in the drawings is not correct. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 1, 2, and 6-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Landis et al (US 4,479,698).

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Landis et al discloses, in figures 1 and 2, a process of aligning and connecting at least one optical fiber to at least one opto-electronic device comprising:

- an optical element (optical fiber)
- and opto-electronic device
- a first non-opaque material (UV optical adhesive)
- positioning the optical element in a position relative to the opto-electronic device such that they would be in optical alignment

5. Claims 1, 2, 5-17, 103-108, and 119-124 are rejected under 35 U.S.C. 102(e) as being anticipated by Mesaki et al (US 6,217,231).

Mesaki et al discloses, in figures 4A-24E, a process of aligning and connecting at least one optical fiber to at least one opto-electronic device comprising:

- an optical element (optical fiber)
- and opto-electronic device
- an MT-like ferrule
- a first non-opaque material (UV optical adhesive)
- a lenslet array
- a photo detector
- positioning the optical element in a position relative to the opto-electronic device such that they would be in optical alignment
- a diffractive optical element

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- an image recognition process (column 4, lines 16-32), it is inherent that the image recognition process will incorporate both human and machine vision and the use of a microscope
- a first member of an alignment system
- a second member of an alignment system

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 4, and 109-118 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mesaki et al in view of Williamson III et al (US 6325551).

Mesaki et al discloses all the limitations of claims 1, 2, 5-17, 103-108, and 119-124 as shown above. Mesaki fails to disclose, however, an oxide vertical cavity surface emitting laser and high precision arms for said first and second members of the alignment system.

Williamson III et al teaches, in figures 1-11, an oxide vertical cavity surface emitting laser and high precision arms for said first and second members of the alignment system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the laser and high precision arms taught by Williamson III et al with the optical fiber alignment process disclosed by Mesaki et al.

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The motivation being that oxide vertical cavity surface emitting laser are well known in the art of opto-electronic components and the improved speed and efficiency of the high precision arms as taught by Williamson III et al.

8. Claims 18-102 and 119-136 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landis et al, Mesaki et al, and Williamson III et al, in view of Yoshida et al (US 5963,696), Steijer et al (US 5,818,990), Cina et al (US 5,042,709), Goto (US 6,075,911), Yuhara et al (US 5,677,973), Gilliland et al (US 5,812,582), Strand et al (US 5,857,047).

The above stated references disclose or render obvious when taken in combination all the limitations of claims 1-136 in the instant application.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian S. Webb whose telephone number is (703) 308-6080. The examiner can normally be reached on 7: 30-6, Mon - Thurs.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703) 308-3119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



BSW
June 2, 2002



NEIL ABRAMS
EXAMINER
ART UNIT 322